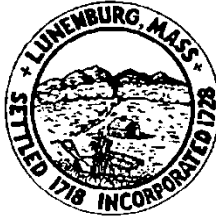


Present : Chairman Bursch, Ken Jones, Todd Dwyer, Brad Kennedy, Jack Rabbitt.

## **Town of Lunenburg Conservation Commission**

Richard Bursch, Chair  
Jack Rabbitt, Vice-Chair  
Brad Kennedy  
Tom Bertram  
Carl Luck  
Todd Dwyer  
Kenneth Jones



Tel: (978) 582-4146  
960 Massachusetts Ave.  
Lunenburg, MA 01462

Wednesday, June 15, 2016, 7:00 PM regular meeting  
Town Hall 17 Main Street, Billotta Meeting Room  
Lunenburg, MA 01462  
**MINUTES**

### **Call to Order**

### **Announcements**

### **Public Comment**

### **Approval of Minutes** Meetings from 11/18 to present

### **Appointments/Hearings –commences at 7 PM**

*Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public meeting on a request for a determination of applicability by Gary Spindt for the addition of sand to an existing beach in the buffer zone at 7 Ruth Street ,Lake Shirley. Plans are available for review at the Conservation Commission office by calling 978-582-4147 ext 431 by appointment. Emailing a PDF is also an option on request by emailing [mmarro@lunenburgonline.com](mailto:mmarro@lunenburgonline.com). The public is invited to attend*

*The applicant outlined that they were not aware the beach was not supposed to be in existence when they had filed. Mr. Marro outlined the history of the file and the previous two violations. Mr. Rabbitt noted that historically the commission has allowed existing beaches to be maintained with sand except in the water. He noted that perhaps we allow a six foot grass strip. Mrs. Spindt noted the area is only 15 feet wide and four feet of that is actually now planted. Mr. Rabbitt outlined perhaps a three-foot strip.*

*Chairman Bursch noted that the previous owner should have disclosed that there was to supposed to be a beach and he was not too sure how we could do a strip and it was just a year ago we had to have the previous owners re-plant. The Spindts noted that they are being forth coming.*

*Mr. Kennedy noted that maybe we could allow a sand box on top of a grassed area. Mr. Dwyer inquired if the commission specified loam and seed in the remediation plan. The answer was yes. Chairman Bursch noted that the violation was a second one from the original violation in 2002 and the exact remedial plan was revisited and re-issued in 2015.*

*Mr. Marro explained that existing legal beaches are allowed to maintain sand areas and new proposals are grass only if allowed. Mr. Spindt noted they as a new owner are willing to compromise. He suggested to cut the beach to 30 feet. Commissioner Dwyer suggested doing a stone break along the water line. It would serve as a source of erosion protection and critter habitat. The Spindt's noted difficulties' with young children. Greg Bittner of 129 Pleasant Street inquired if a volley ball court could be allowed. Chairman Bursch noted that it would require a variance from a no touch zone. Mr. Dwyer inquired as to the pre-existing conditions. Mr. Marro described from rote memory the pre-existing conditions. Mr. Spindt offered to allow to follow Mr. Marro's suggestion to come up with a notarized agreement which would allow a vegetative access area. Mr. Rabbitt moved to issue a positive determination for a maintained vegetated area with an agreement to be notarized and filed at the registry. Mr Dwyer seconded and the commission voted unanimously.*

Present : Chairman Bursch, Ken Jones, Todd Dwyer, Brad Kennedy, Jack Rabbitt.

*Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public meeting on a request for a determination of applicability by Kerry and Sheila Planitzer for rebuilding of a wall in the buffer zone at 22 Sunset Lane. Plans are available for review at the Conservation Commission office by calling 978-582-4147 ext 431 by appointment. Emailing a PDF is also an option on request by emailing [mmarro@lunenburgonline.com](mailto:mmarro@lunenburgonline.com). The public is invited to attend*

*Mr. Marro explained the origin of the file and recommended a negative determination as he just setting the same stone back and further recommended that in the future issues such as this be allowed to proceed under the umbrella of the file. MR Jones moved to issue a negative determination. MR. Kennedy seconded and the commission voted unanimously.*

*Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public meeting on a request for a determination of applicability by the Merrimack River Watershed Council and the Lunenburg DPW for the placement of trees within the buffer zone and riverfront to allow for expansion of the riparian buffer at 520 Chase Road (DPW FACILITY). The Notice will be presented by the Merrimack River Watershed Council. Plans are available for review at the Conservation Commission office by calling 978-582-4147 ext 431 by appointment. Emailing a PDF is also an option on request by emailing [mmarro@lunenburgonline.com](mailto:mmarro@lunenburgonline.com). The public is invited to attend.*

*Alex Crofta appeared to represent the DPW and outlined the project which is vegetated buffer plantings and the goals as such. He noted that DPW will also clear out some silt that has accumulated in the area. Mr. Crofta explained the project goals Mr. Marro recommended a negative determination. Mr Jones moved for a negative determination. Mr. Rabbitt seconded and the commission voted unanimously to approve.*

*Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public meeting on a request for a determination of applicability by Gary Steeves for the placement of a dock at 100 Laurel Lane. Plans are available for review at the Conservation Commission office by calling 978-582-4147 ext 431 by appointment. Emailing a PDF is also an option on request by emailing [mmarro@lunenburgonline.com](mailto:mmarro@lunenburgonline.com). The public is invited to attend.*

*Gary Steeves from 100 Laurel Lane appeared before the Commission. Mr. Rabbit reviewed the specs on the dock if it is removable. Mr. Marro noted that the commission has allowed removable docks and recommended a negative determination and that he gave the applicant the information to file with Chapter 91 waterways. Mr. Rabbitt moved to issue a negative determination of applicability. Mr Dwyer seconded and the commission voted unanimously.*

*Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public meeting on a request for a determination of applicability by David McPartland for the installation of screen house in the buffer zone at 45 Spring Street. Plans are available for review at the Conservation Commission office by calling 978-582-4147 ext 431 by appointment. Emailing a PDF is also an option on request by emailing [mmarro@lunenburgonline.com](mailto:mmarro@lunenburgonline.com). The public is invited to attend*

*Mr. McPartland appeared to represent himself and described the project which is proposed on existing concrete. Mr. Marro recommended a negative determination. Mr Dwyer moved to issue a negative determination. Mr.. Rabbitt seconded and the commission voted unanimously.*

*Pursuant to MGL ch 131, s 40 as amended and the Town of Lunenburg Wetlands Protection and Municipal Bylaws a public hearing on a Notice of Intent by Matthew Olson for the construction of single family homes on lots 1, 2,3,4,&5 on Map 51 Block 37, Northfield Road (address numbered 175 ). The Notice will be presented by Lynnfield Engineering. Plans are available for review at the Conservation Commission office by calling 978-582-4147 ext 431 by appointment. Emailing a PDF is also an option on request by emailing [mmarro@lunenburgonline.com](mailto:mmarro@lunenburgonline.com). The public is invited to attend.- recessed at 8PM until applicant shows.*

*Lynnfield Engineering appeared on behalf of the applicant and noted the history of the proposed development, all ANR lots meaning no added roadway. .He reviewed the low impact development proposals. Mr. Marro noted that the no touch and no build zone was honored very well. He reviewed the process involved in making the storm water maintenance noted as a perpetual condition on all of the deeds. Commissioner Dwyer inquired why sewer tie ins were not pursued. Mr. Marro did note that the marking of the erosion protection was lacking. Also lacking was a limit of work proposal. Mr Rabbitt examined the stone aprons in the rough graded driveways. That issue was going to be examined and hand sweeping of Northfield was proposed by the applicant. Mark Popham also representing the applicant was*

Present : Chairman Bursch, Ken Jones, Todd Dwyer, Brad Kennedy, Jack Rabbitt.

*able to offer up that the driveways will be paved partway prior to the building of the houses. Mr. Kennedy noted that we had no individual lot plans that were more specific and the applicant indicated that the commission will be copied. Any decks in the buffer zone need to be marked.*

*Mr. Rabbitt moved to issue an order with the addition that all driveways will have pads, a street sweeping schedule and a limit of the 50 foot no touch and erosion protection lines and staked in the field. Individual lot plans also submitted to file prior to work commencement and any additional work in the buffer zone be outlined on the plans. Mr. Jones seconded and the commission voted unanimously.*

#### **Current Business**

1. **CONTINUED PUBLIC HEARING: 101 Pleasant Street notice of Intent** The chair outlined the Mr. Marro walked with the wetland specialist to update the flags and a new remedial action plan be submitted. Greg Bittner 129 Pleasant Street wondered about the timing and fining if there is nor production of information. Mr. Marro recommended a final date. The Commission decided to issue a date of the July 6 meeting. MR. Jones moved to continue administrative hearing and NOI to July 6. Mr. Dwyer seconded and the commission voted unanimously.

Summer Street DPW, Notice of Intent – Gene Crouch revisited the site walk from June 11, 2016 and informed that there was an acre and a half loss of impervious surface to Lunenburg. Mr. Rabbitt spoke to some of the litter in the area and was concerned about high velocity flows and looking at a detention area. Mr. Crouch noted that there was no room in the existing right of way and some of the issues were on private property and would not be possible without land purchases. Mr. Rabbitt asked if it was possible to do serial catch basins. Mr. Crouch noted that doing that actually short circuit the basins. Chair Bursch inquired as to the TSS removal...Mr. Crouch noted that it was 25% which is allowable under redevelopment. Mr. Bursch examined the project to ensure that the water is contained and the storm water picks up all its water. Mr. Rabbitt examined the TSS removal. He examined the re-development standard versus new development. Mr. Crouch noted that DOT will not pay to allow vortex units unless the town pays for and maintains them. Mr. Jones indicated he feels he was in favor of the proposal as is. Chairman Bursch noted that he would defer to the DOT standards. Mr. Rabbitt inquired as to quantification of solids removal such as cigarette butts and plastic bottles. Mr. Crouch quoted statistics from the National Urban Runoff Group. He reminded the commission they seek a waiver from the No Touch and No Structure regulations. The Chair inquired as to the time line of the project and appears to be a 2 to 3 year time line. Mr Bittner from 129 Pleasant Street inquired as to the 100% completion plans. It was noted that by the fall. Mr. Jones moved to issue a standard order. Mr. Kennedy seconded and the Commission voted unanimously.

460 Lancaster Ave, RFDA- Mr. William Mosso represented himself. He noted that the reason for the waiver request was a safety issue. The Chairman noted that due to the fact that driveway was not built according to plan, therefore the need for the waiver request. Mr. Masso noted that part of the issue with straightening the driveway is that the utility pole is in the way. The Chairman read an email from DPW and it did not support and additional curb cut in Lancaster Ave. Mr. Jones noted that the driveway has existed 16 years as is. The Commission reviewed a compromise of adding width to the existing driveway. Commissioner Rabbitt moved to issue a positive determination. MR Kennedy Seconded and the Commission voted unanimously.

2. Signatures on documents to be issued.
3. Certificate of Compliance
4. Enforcement – 225/190 Electric Ave, 189 Howard Street, 172 Hemlock Drive - Mr Marro noted that Mr. Gardner agreed to remediate the violation on town property. It was decided to hold an administrative hearing on July 6, 2016 on all the collective enforcement issues.

**Committee Reports –storm water committee...** Ed Hlmlan will be doing the storm water regulations for 10,000 dollars they also paid dues to the collaborative. Commissioner Rabbitt introduced a proposed addendum to the regulations that will be taken up at the next meeting

**Agents Report –** turtle crossing issue, Report on potential enforcement investigation, future DPW paving projects.- Mr. Marro noted that he has had a few complaints about turtles being hit. He showed the commission the signs to ave posted through towns. . Concerning the potential investigation Mr Marro is going to work with the woodlands on minor violations. Bob Pease

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*clarified that I would schedule a site walk. Mr. Marro noted that DPW will be submitting a list of roads to work on He also noted that he would like to work with the lake associations to get a list of beaches for permitting with on permit*

**Notices & Communications** The Chair noted that Commissioner Bertram expressed concern on a cutting plan on Holman- the chair inspected and there was a small turn around made and is not a violation.

**Meeting Schedule-** Next meeting for July 6, 2016 at 7:00 PM In the Ritter Memorial Land Use Building.

**Public Comment For Meeting Close.** Commission Hollis Road house (Commissioner Jones recused and left the room)

Current tenants are requesting to build a deck. They showed the commission quoted and Jared Crowley was 8,000 and Lowes was 10,500 dollars payable up front. This includes installation, labor and materials. Commissioner Dwyer also requested a better itemized quote.

**Adjournment -** The meeting adjourned at 1030 PM by motion of Mr Jones and second of Mr. Dwyer.....The Commission thanked Mr. Kennedy for his service. We wish him well.